

MITT ROMNEY Governor

KERRY HEALEY Lieutenant Governor

## COMMONWEALTH OF MASSACHUSETTS EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS DEPARTMENT OF ENVIRONMENTAL PROTECTION

ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

ELLEN ROY HERZFELDER Secretary

ROBERT W. GOLLEDGE, Jr. Commissioner

February 9, 2004

Finn Murphy, Chairman Board of Selectmen Town and County of Nantucket 16 Broad Street Nantucket, MA 02554

Re:

Surfside WWTP

ACOP-BO-03-1G002

Dear Mr. Murphy:

This letter responds to the several recent requests for clarification and guidance received by the Department from your office and the Department of Public Works regarding the provisions of the above-referenced Administrative Consent Order ("the Order").

1. Administration of the initial 20,000-gpd sewer bank – The Order in item 11.b.i establishes a sewer bank with an initial flow balance of 20,000 gpd The Town seeks guidance on whether to forward all sewer connection/extension permit applications to the Department. Please be advised that the only sewer connection/extension applications the Department requires be submitted are those which would be required normally under 314 CMR 7.00. As required in the regulations governing the sewer system extension and connection permit program at 314 CMR 7.03, all connections/extensions must have a valid permit from the Department unless exempted in 314 CMR 7.05. A copy of the pertinent sections of that regulation is attached for your information. All permit applications must be processed by the Town on a first-in/first-out basis. The Department will act on the applications for those connections requiring DEP approval under 314 CMR 7.00 in accordance with the terms and conditions of the ACOP. The Order does require a quarterly reporting to the Department of all connections and extensions that withdraw flow from the sewer bank. This reporting should include an identification of each connection/extension approved by the Town, the amount of flow approved for each and a tally of current remaining flow in the/each sewer

bank. For questions on any pending applications or the administration of the sewer bank, please contact David Burns from SERO at (508) 946-2738.

- 2. <u>Appleton Road</u> The sewer extension permit application for Appleton Road # W039242 and dated December 4, 2003 with a flow of 2,640 gpd is presently under review by the Department. If approved, the flow associated with this permit will be assessed from the sewer bank established in item 11.b.i.
- 3. <u>Infiltration/Inflow</u> The Department is in receipt of a letter report from Earth Tech dated December 11, 2003 which outlines the results of I/I studies performed in sections of the Town's collection system. This report is presently under review by staff from the Department's Division of Municipal Services. Any credit to the sewer bank for the removal of extraneous flow will be made under the provisions of item 11.b.iv.
- 4. Nantucket Harbor Watershed Overlay District Under item 11.b.ii, upon receipt of an executed contract with a notice to proceed with a Massachusetts Registered Professional Engineer for the preparation of plans and specifications to upgrade the Surfside facility to Class I discharge standards, the Department will process any sewer extension permits it receives from existing development in this area per the May 27, 2003 order from the Nantucket Board of Health mandating connection to the sewerage system. Please submit a copy of that order to the Department for our files. Flow originating from new development subsequent to the Board of Health order or the expansion of an existing use will not be allowed under item 11.b.iii, and instead must be assessed against a different sewer bank allocation.

If the Town desires to connect all or a portion of the District prior to the submission of an executed design contract in accordance with the provisions of item 11.b.ii, and the Department approves the sewer extension permit(s), the associated flows will be assessed to the sewer bank balance established in item 11.b.i. We have considered your request of January 22, 2004 that the Department credit back to the sewer bank those flows already approved once the design contract is executed, and determined that such an arrangement would be inconsistent with the terms and conditions of our agreed upon ACOP.

5. Town Meeting Action – It is our understanding that Nantucket will include a warrant article for design and construction funds for the new Surfside wastewater treatment facilities at the April 12, 2004 Annual Town Meeting. The Department commends the Town for taking this positive step. Please note that the additional flows noted in items 11.b.ii and 11.b.iii will not be credited to your sewer bank until the referenced contracts are executed and submitted to the Department.

I hope this letter provides the clarification and guidance you were seeking. The Department looks forward to continuing the good working relationship that we

have with Nantucket in order to successfully address all the provisions of the Order. If you or your staff should have any questions, please contact Alan Slater at (617)292-5749 or David Burns at (508)946-2738.

Sincerely,

Sharon M. Pelosi, Director Watershed Permitting Program

Enc. (1).

cc: Jeffrey Willett, Nantucket Department of Public Works

Nantucket Board of Health

Libby Gibson, Nantucket Town Administrator

Jeffrey Gould, DEP SERO David Burns, DEP SERO Rick Rondeau, DEP SERO

Thomas Mahin, DEP, Division of Municipal Services

Jack Hamm, DEP, Division of Municipal Services

Tom Parece, Earth Tech